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⁺ *Pro hac vice* application forthcoming

Attorneys for Defendant Checkr, Inc.

1
2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**

4 JOSE MONTANEZ, on behalf of himself }
5 and all others similarly situated, }
6 Plaintiff(s), }
7 v. }
8 CHECKR, INC., }
9 Defendant. }
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Case No. 4:19-cv-07776-KAW

**JOINT STIPULATION STAYING CASE
DEADLINES PENDING SETTLEMENT
NEGOTIATIONS**

Complaint Filed: November 26, 2019

1 Pursuant to Northern District Civil Local Rule 7-12, Plaintiff JOSE MONTANEZ
2 (“Plaintiff”) and Defendant CHECKR, INC. (“Defendant”) (collectively, “Parties”), by and
3 through their respective counsel of record, hereby jointly stipulate and request the Court to stay
4 case deadlines for a period of 30 days while the parties negotiate settlement based on the
5 following recitals:

6 WHEREAS, Plaintiff filed the initial Class Action Complaint in this action on
7 November 26, 2019;

8 WHEREAS, Checkr currently has a Motion to Compel Arbitration pending before
9 this Court, ECF 37;

10 WHEREAS, the deadline for Plaintiff to file his opposition to Checkr’s Motion to
11 Compel Arbitration is currently February 1, 2021, ECF 55, and Checkr’s deadline to file a reply
12 is February 15, 2021, ECF 55;

13 WHEREAS, the attorneys for the Parties have a long history of working together
14 cooperatively in similar types of cases;

15 WHEREAS, the Parties have begun private settlement negotiations to resolve this
16 matter;

17 WHEREAS, the Parties stated in their December 4, 2020 Joint Status Report that
18 they were making progress in their negotiations but would need to seek an extension if the case
19 was not resolved before the next impending case deadlines, ECF 56;

20 WHEREAS, since that time, an attorney representing Plaintiff has had serious
21 health issues;

22 WHEREAS, the Parties agree that Checkr waives no rights, defenses or
23 arguments, including but not limited to Checkr’s position that Plaintiff is bound to individual
24 arbitration, by entering into this joint stipulation; and

25 WHEREAS, the Parties agree that, based on the foregoing, a stay of the deadlines
26 in the case for 30 days to allow them to complete settlement negotiations would be the most
27 efficient use of the Court’s and the Parties’ resources;

NOW THEREFORE, the Parties jointly stipulate to, and request, a stay of the deadlines in the case for 45 days on the following terms:

- All case deadlines should be stayed for 30 days;
 - The Parties shall report on whether their negotiations have successfully resolved the case by March 3, 2021;
 - If the Parties report that their resolution attempts were not successful, the deadline to complete discovery solely related to motion to compel arbitration shall be March 26, 2021, the deadline for Plaintiff to file his opposition to motion to compel arbitration shall be April 16, 2021; and the deadline for Checkr to file a reply, if any, in further support of the motion to compel arbitration shall be April 30, 2021.

Dated: January 26, 2021

/s/ Rod M. Fliegel
Rod M. Fliegel
William J. Simmons
Andrea R. Ortega
LITTLER MENDELSON, P.C.
Attorneys for Defendant
CHECKR, INC.

Dated: January 26, 2021

/s/ James A. Francis
James A. Francis
John Soumilas
Lauren KW Brennan
Erika Heath
FRANCIS MAILMAN SOUMILAS, P.C.
Attorneys for Plaintiff
JOSE MONTANEZ

1 **SIGNATURE ATTESTATION**

2 In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the
3 filing of this document has been obtained from the signatories on this e-filed document.

4 Dated: January 26, 2021

5 */s/ Erika Heath*
6 ERIKA HEATH
7 FRANCIS MAILMAN SOUMILAS, P.C.
8 Attorneys for Plaintiff
9 JOSE MONTANEZ

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